IN RE:

PETITION FOR ADMIN. VARIANCE

N/S Donington Circle, 540' 3E

of Kenilworth Drive (1030 Donington Circle) 9th Election District 4th Councilmanic District

Velma J. Russ Petitioner * BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 99-132-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Velma J. Russ. The Petitioner seeks relief from Sections 211.3, 211.2, 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955), to permit an open projection (roof overhang) setback of 2 feet in lieu of the required 6 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of this Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Date (1999)

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of October, 1998 that the Petition for Administrative Variance seeking relief from Sections 211.3, 211.2, 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955), to permit an open projection (roof overhang) setback of 2 feet in lieu of the required 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-ED, subject, however, to the following restrictions:

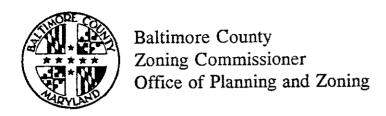
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

CONDECTIVED FOR THINK



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

October 29, 1998

Ms. Velma J. Russ 1030 Donington Circle Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Donington Circle, 540' SE of Kenilworth Drive
(1030 Donington Circle)
9th Election District - 4th Councilmanic District
Velma J. Russ - Petitioner
Case No. 99-132-A

Dear Ms. Russ:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Which is presently zoned 21704

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 12/1.3,211.2,303.1 AND 361.1 (1955 BCZR) To PERMIT AN OPEN PROJECTION SETBACK OF ZFT. IN LIEU of 644. (TOR IN PROPOSED SIDE ROOF OUTHANDS)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Truadity 35C X

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

				te and affirm under the penaities of perjury that I/we are me perty which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)	
(Type or Print Name)			VELMA (Type of Print Name)	JOAN RUSS
Signature			× Juliana (Joan Russ
Address			(Type or Print Name)	
City S	tate	Zipcode	Signature	
Attorney for Petitioner (Type or Print Name)	-		1030 Do	minetion Chele 525-9179
Signature			Batto_ City Name. Address and phor	Md. 2/20 4 State Zipcode ne number of representative to be contacted
Address	Phone No		Name	
City	itate	Zipcode	Address	Phone No

Zaning Cammissioner of Baltimore County

REVIEWED BY

ESTIMATED POSTING DATE:

Ji

DATE 60/1/98



Printed with Solybean Con Recycled Para 1907

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at 1030 DONINGTON CARCLE
RALTO MA 2120 4 City State Zip Code
That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
THE ANDWING THAT IS PROPOSED WILL REPLOY THE EXISTIALS
CANVAS ONE IT MUST BE PLACED ON THE SAME SIDE OF THE
HOUSE, TO COVER THE EXETING PATIO, THE SET BACK WILL
BE 2-0" From THE PROPERTY LINE. THE CARVAS AUT
HAS BEEN ON THE HOUSE FOR OVER 20 YEARS. THERE IS
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FALLS + NO BATIOS EXIST OR REAR ENTRANCE. THERE IS A
SIDE ENTRANCE AT THE PATIO THAT EXISTS ON THE SID
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and
may be required to provide additional information.
Jelma Joan Kuss (signature)
VELMA JOAN KUSS (**)
(type or print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this Z3rd day of Sept 1998, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared
Velma Joan Russ
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
9/23/98 Inchael Devolet
date NOTARY PUBLIC

My Commission Expires: 10/1/0/

Affidavit in support of Administrative Variance

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BAGO. Md 21204
City State Zip Lode
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
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How To Cover The BUSINE POTTE. THE SET BACK WILL
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That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
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The Charles of the contract of
(signature) (signature)
VFLMA JOAN NUSS (grpe or print name)
(type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, 10 Wil:
1 HEREBY CERTIFY, this 2 3rd day of Sept. 1998, before me, a Notary Public of the State
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Velma Joan Russ
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law
the Attants(s) nerein, personally known of satisfactory incomments that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
9/23/99 mehal D Leidel
date NOTARY PUBLIC
My Commission Expres: /o/i /o /
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49-132 A



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1030 Don, NGTON Crocks
which is presently zoned 21204

This Petition shall be filed with the Dept. of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 211.3, 211.2, 303. | AND 301. |

1955 BCZR) To PERMIT AN OPEN PROJECTION SETBACK OF 2 FT. IN LIEU OF 6 FT. AND A PROPOSED, ROOF OVERHANG

SIDE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE AFFIDAVIT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

City	State	Zipcode	Address	Phone No
Address	Phone	No.	Name	
Signature			Name Address and phone number o	#
			Васто.	Md. 21204 State Zipcode
(Type or Print Name)			1030 Don	412- <u>VETON CALL</u> 855 Phone No Md 21204
Attorney for Petitioner			_	410-
City	State	Zipcode	Signature	
Address			(Type or Print Name)	
Signature			Signature	
			4. Velma Joan	Russ
(Type or Print Name)			VELHA JOAN	Russ
Contract Purchaser/Lessee*			Legal Owner(s)	

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newtoapers or general

Zoning Commissioner of fraffirmore County



REVIEWED BY: _ _ _ DAT

circulation, throughout Baltimore County, and that the property be reposted.

ESTIMATED POSTING DATE:



A Public Hearing having been requested and/or found to be required, it is ordered. By the Zoning Commissioner of Baltimore County, this



132

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1030 DONINGTON CIRCLE address	
Beginning at a point on the	
Down Which is 70' (name of street on which property fronts) (number of feet of right-of-way width)	
wide at the distance of $\frac{540'}{\text{(number of feet)}}$ $\frac{50074}{\text{(north, south, east or west)}}$ of the	
centerline of the nearest improved intersecting street $KENILWORHDR$. (name of street)	
which is 70 = wide. *Being lot# 48 (number of feet of right-of-way width)	
Block CrD , Section # 3 in the subdivision of $21000000000000000000000000000000000000$	
as recorded in Baltimore County Plat Book # GLB 525, Folio # 23	
containing 7360 S. F. Also know as 1030 Down (Square feet or acres) (property address)	18
and located in the OP Election District, Councilmanic District.	

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 101 98 ACCOUNT ROO16150 AMOUNT \$ 50.00	PATT PATT TO THE TAX PROCESS ACTIVE THE PROCESS ACTIVE THE PART OF
FOR: NORGAN JECTON FOR: N	132-A CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-132-A
Petitioner/Developer:
(Velma Russ)
Date of Manual (Closing:
(Oct. 26, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by					
law were posted conspicuously on the property located at					
1030 Donington Circle Baltimore, Maryland 21204					
The sign(s) were posted onOct. 9, 1998(Month, Day, Year)					

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumber 99- 6/32 -A	Address _	1030	F DONINGTON GIRCLE
Contact	t Person: John Leu Planner, Please P	U(5	P	hone Number: 410-887-3391
Filing C	Date: 10 1 98	Posting Date:	10/11/98	Closing Date: 10 26 98
Any co through	ntact made with this office re the contact person (planner) us	garding the status sing the case numb	of the admir per.	nistrative variance should be
r f i	POSTING/COST: The petitione reverse side of this form) and the reposting must be done only by its again responsible for all assorptoperty on or before the posting date.	he petitioner is res one of the sign po ociated costs. The	sponsible for a sters on the a se zoning notice	II printing/posting costs. Any oproved list and the petitioner e sign must be visible on the
 .	DEADLINE: The closing date is a formal request for a public hearing, the	rearing. Please u	inderstand that	it even if there is no formal
(ORDER: After the closing date commissioner. He may: (a) growder that the matter be set in the closing days of the commission of the commis	rant the requested n for a public hea the closing date) a	relief; (b) der aring. You wi as to whether t	ly the requested relief; or (c) Il receive written notification he petition has been granted,
· (POSSIBLE PUBLIC HEARING (whether due to a neighbor's commissioner), notification will changed giving notice of the heaposted, certification of this changelinis office.	formal request or be forwarded to aring date, time an	by order of to you. The sign d location. As	he zoning or deputy zoning on the property must be when the sign was originally
		(Detach Along Dotted Li	ine)	
Petitio	ner: This Part of the Form is f	or the Sign Poste	r Only	
	USE THE ADMIN	IISTRATIVE VARI	ANCE SIGN F	ORMAT
Case N	lumber 99- 132 -A	Address103		on Circle
Petition	ners NameVELMA RUSS		Tele	phone 468259179
Posting	g Date: 10/11/98	Clo	sing Date: _	10 26 98
Wordin	g for Sign: <u>To Permit AN OF</u>	EN PROVECTION	SETBACK OF	2FT IN LIEU OF 6 FT.
For A	A PROPOSED SIDE ROOF OVERHA	nes)		
			<u> </u>	
	•			

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

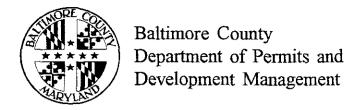
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: RUSS
Address or Location: 1030 Downston Crecks
PLEASE FORWARD ADVERTISING BILL TO:
Name: VELINA JOAN RUSS
Address: 1030 Parojuston Circle
BACTO. Md. 21204
Telephone Number: 410-825-9179

Revised 2/20/98 - SCJ

99132-A



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 26, 1998

Ms. Velma Joan Russ 1030 Donington Circle Baltimore, MD 21204

RE: Item No.: 132

Case No.: 99-132-A

Location: 1030 Donington

Circle

Dear Ms. Russ:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 1, 1998.

Zoning The Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: October 14, 1998

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 121, (132) 134, 137, 138 and 139

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Pams N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date:

10.13.9V

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 132

JLL

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for

Ronald Burns, Chief

Engineering Access Permits

f. J. Dredh

Division

LG

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley Apply
Permits and Development Review

SUBJECT: Zoning Advisory Committee

Meeting Date:

0/13/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Itam #¹s:

121

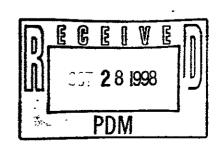
130

131

98-366

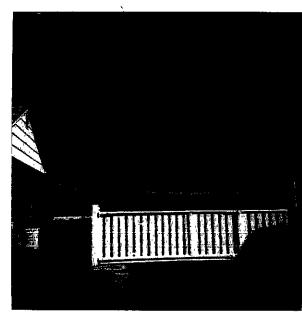
RBS:sp

BRUCE2/DEPRM/TXTSBP





VELMIN JOHN RUSS 1030 DONINGTON CIRCLE BALTO. Md. 21204 VARIANCE PLAN * COUNCILMANIC DISTRICT NW 11 A ELECTION DIST. 9, ZONING DR 5,5 LOT SIZE 7360 Sq. F., SEWER/PUBLIC, WHIER/PUBLIC CHESPPEAKE BAY CRITICAL AREA - NO PRIOR ZONING HEARING- NO VLAT BOOK GLB # 25 FOLIO 23 BLOCKC+D. SECT 3 LOT 48 64 ,* EASMENT PROPOSED FOR PERMANENT POOF TELEBRIAN FALLSFORKHE FISHELL SHIRLEY ORA LAMBERT ALTE/OGT 1030 16 EXIST DULG. 1028 1032 36 99-132-A DATE 9/29/98 LOT 47 LOT 49 PREPARED BY V.I. Morgans TO KENILWARTH DONINGTON CIRCLE 70 HW SCALE 1"=20-0"



AWNING SET BACK 2:0" From
Property Line - FENCE on Property
Line 132



CANUAS AUDING to Be REplacED By Priminant wood Structure Soon From Doningran Conele. 132



BALTIMORE COUNTY FFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP